

REMARKS

Claims 1, 3-4, 6-11, 13-17, 19-20, 22-27, and 29-36 are pending in the present application. By this Response, claims 2, 5, 12, 18, 21 and 28 are cancelled and claims 1, 4, 6-7, 9-11, 13-17, 19-20, 22-23, 25-26 and 29-33 are amended. Claims 1, 9, 14-17, 25 and 30-33 are amended to recite the presenting of a list of unsaved cookies and the selective storing of cookies from the list. Claims 4, 6-7, 10-11, 13, 19-20, 22-23, 26 and 29 are amended to be consistent with the amendments to their respective independent claims and with the cancellation of claims noted above. Reconsideration of the claims in view of the above amendments and the following remarks is respectfully requested.

I. 35 U.S.C. § 102, Alleged Anticipation Based on Paltenghe

The Office Action rejects claims 1-36 under 35 U.S.C. § 102(e) as being allegedly anticipated by Paltenghe et al (U.S. Patent No. 6,421,729). This rejection is respectfully traversed.

With regard to claims 1 and 17, the Office Action states:

As per claims 1 and 17, Paltenghe teaches a method in a data processing system for managing cookies as claimed, the method comprises receiving a request to accept a cookie (thus, the user's PC 4 with the browser 8 which i[s] configured by the user 6 to ask for permission before accepting a cookie; which is readable as receiving a request to accept a cookie)(see col. 7, lines 27-29);

Accepting the cookie (thus, the user accepts the cookie, which is equivalent to accepting the cookie) (see col. 7, line 40); and

Storing the cookie only in a temporary data store within the data processing system (thus, the system for an embodiment makes use of application software such as an electronic or virtual wallet and the cookie jar resides in the electronic or virtual wallet 'an electronic wallet is an embodiment of software acting as a container' which is readable as storing the cookie only in a temporary data store within the data processing system)(see col. 6, lines 16-25). Further, in column 8, lines 24-31, Paltenghe teaches the browser forwards the cookie data to the virtual or electronic wallet 12, which stores the cookie data in the cookie jar 10 resident in the electronic wallet, at S28 when the user 6 returns to the website, the web server 2 requests that its cookie be returned at S29;

Independent claim 1, which is representative of independent claim 17, recites:

1. A method in a data processing system for managing cookies, the method comprising:
 - receiving a request to accept a cookie;
 - accepting the cookie;
 - storing the cookie only in a temporary data store within the data processing system;
 - presenting a list of unsaved cookies; and
 - selectively saving a portion of the unsaved cookies, within the list of unsaved cookies, to a permanent data storage in response to a user input as to which of the unsaved cookies in the list of unsaved cookies are to be saved. (emphasis added)

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 21 U.S.P.Q.2d 1031, 1034 (Fed Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Applicants respectfully submit that Paltenghe does not teach every element of the claimed invention arranged as they are in claims 1 and 17. Specifically, Paltenghe does not teach presenting a list of unsaved cookies and selectively saving cookies within the list of unsaved cookies in response to a user input as to which of the cookies are to be saved.

Paltenghe teaches a system to manage the flow and content of information in cookies in order to protect the privacy of the information contained in storage areas of users' PCs (Col 3, lines 55-58). Paltenghe controls the transmission of stored data to an Internet website server utilizing a "cookie jar" in an electronic or virtual wallet. With the system of Paltenghe, when a server requests permission to load a cookie onto a user's hard drive (step S12 of Figure 3), the user is presented with the option to either accept the cookie or not accept the cookie. If the user accepts the cookie (step S15), the cookie is

stored on the user's hard drive. If the user does not accept the cookie (step S13), the web page is provided on the user's PC, but no cookie is stored.

Thus, Paltenghe teaches that a user is alerted each and every time that a web site is encountered during browsing that requests to store a cookie on the user's hard drive. This is similar to the "ask me each time" option discussed on page 4 in the Background section of the present specification. Thus, Paltenghe suffers from similar problems in that a user may be presented with multiple pop-up alerts during a browsing session which may cause frustration and irritation on the part of the user.

The present invention solves these problems by accepting cookies into a temporary data store when they are encountered during a browsing session. At some time later, a list of unsaved cookies encountered during a browsing session is presented and the user is allowed to select from the list which cookies are to be permanently stored and which ones are not. The cookies that are selected from the list are stored in a permanent data storage. Paltenghe does not teach such features. That is, with regard to claims 1 and 17, Paltenghe does not teach presenting a list of unsaved cookies or selectively saving a portion of the unsaved cookies from the list in response to a user input as to which of the unsaved cookies in the list are to be saved.

Similar features to these were originally presented in dependent claims 5 and 21. With regard to claims 5 and 21, the Office Action alleges that the features of these claims are taught at column 6, lines 60-62 and column 7, lines 58-61 which read as follows:

Currently, cookies are stored in a plain text file on the hard drive of the user's PC, where the browser software is installed.

(Column 6, lines 60-62)

Instead of writing cookies to the hard drive of the user's PC 4 on which the user's browser 8 is installed, the cookies are stored in the user's electronic wallet 12.

(Column 7, lines 58-61)

There is nothing in either of these sections that teaches or even suggests to provide a list of unsaved cookies and then save selected ones of the cookies in the list based on user input. All that these sections describe is the storage of cookies in either a

plain text file or an electronic wallet. There is not even a mention of presenting a list of unsaved cookies or selectively saving a portion of the unsaved cookies within the list of unsaved cookies to a permanent data storage in response to a user input as to which of the unsaved cookies are to be saved.

Paltenghe actually teaches away from the features recited in claims 1 and 17 in that Paltenghe explicitly teaches that the user is alerted each and every time a web site attempts to store a cookie on the user's computer. The system of Paltenghe does not accumulate a list of unsaved cookies because each cookie is either permanently stored or discarded at the time the web site attempts to store the cookie on the user's computer. Thus, there are no unsaved cookies from which a list may be generated. Furthermore, there is no reason to present a list because the cookies are either saved or they are not on an individual basis.

In view of the above, Applicants respectfully submit that Paltenghe does not teach each and every feature of independent claims 1 and 17 as is required under 35 U.S.C. § 102(e). The other independent claims 9, 15-16, 25 and 30-36 recite similar features of presenting a list of cookies and saving certain ones of the cookies in the list of cookies in response to a user selection of the cookies from the list of cookies. Thus, the other independent claims 9, 15-16, 25 and 30-36 recite similar features that are not taught by Paltenghe.

Therefore, Applicants respectfully submit that Paltenghe does not teach each and every feature of claims 1, 9, 15-17, 25 and 30-36. At least by virtue of their dependency on claims 1, 9, 17 and 25, respectively, Paltenghe does not teach each and every feature of dependent claims 3-4, 6-8, 10-11, 13-14, 19-20, 22-24, 26-27 and 29. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1, 3-4, 6-11, 13-17, 19-20, 22-27 and 29-36 under 35 U.S.C. § 102(e).

Furthermore, Paltenghe does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. Paltenghe actually teaches away from the presently claimed invention because it teaches alerting a user with each cookie storage attempt as opposed to presenting a list of unsaved cookies and letting the user select cookies from the list that are to be permanently stored, as in the presently claimed invention. Absent, the Examiner pointing out some teaching or incentive to

implement Paltenghe in this manner, one of ordinary skill in art would not be led to modify Paltenghe to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify Paltenghe in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

In addition to the above, Paltenghe does not teach the specific features recited in dependent claims 3-4, 6-8, 10-11, 13-14, 19-20, 22-24, 26-27 and 29. For example, with regard to claims 4 and 20, Paltenghe does not teach discarding a cookie when a browser terminates execution if the cookie is not selected from the list of unsaved cookies as being a cookie that is to be saved in permanent storage. As mentioned previously, Paltenghe does not even teach a list of unsaved cookies and thus, cannot teach discarding cookies in such a list if they are not selected for permanent storage. While Paltenghe teaches that a cookie is discarded if the user determines to not store the cookie when provided with the alert, there is no teaching in Paltenghe to discard cookies in a list of unsaved cookies if they are not selected for permanent storage.

It should also be noted that some of the independent claims including claims 9, 16, 25 and 32 contain similar features of discarding cookies in the list of cookies that are not selected and thus, these independent claims distinguish over Paltenghe for these additional reasons.

Regarding claims 6, 13, 22 and 29, Paltenghe does not teach a method or data processing system wherein a list of unsaved cookies is presented or selected cookies from the list are saved when a browser session terminates. To the contrary, Paltenghe teaches that the user is provided with the option to either store or not store a cookie during a browser session (see Figure 3 of Paltenghe). Thus, Paltenghe does not teach presenting a list of unsaved cookies when a browser session terminates or storing certain ones of the cookies in the list when a browser session terminates.

As to dependent claims 7 and 23, Paltenghe does not teach presenting a list of unsaved cookies or selectively saving a portion of the unsaved cookies based on a user selection arc initiated in response to a user input. As discussed at length above, Paltenghe does not teach presenting a list of unsaved cookies at all or the selection of

cookies from such a list. Thus, there cannot be any teaching Paltenghe regarding doing so in response to a user input.

Thus, in view of the above, Applicants respectfully submit that Paltenghe does not teach each and every specific feature recited in the dependent claims in addition to the features of their respective independent claims. Accordingly, Applicants respectfully request withdrawal of the rejection of dependent claims 3-4, 6-8, 10-11, 13-14, 19-20, 22-24, 26-27 and 29 under 35 U.S.C. § 102(e).

II. Conclusion

It is respectfully urged that the subject application is patentable over Paltenghe et al and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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